

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claim 2 is cancelled herein without prejudice to or disclaimer of the subject matter set forth therein. Claims 1 and 3-10 are pending. Claims 1 and 5 are amended. Claim 1 is independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Examiner Interview

If, during further examination of the present application, any further discussion with the Applicants' Representative would advance the prosecution of the present application, the Examiner is encouraged to contact Carl T. Thomsen, Registration No. 50,786, at 1-703-208-4030 (direct line) at his convenience.

Information Disclosure Citation

The Examiner is advised that an Information Disclosure Statement is being filed concurrently with this Amendment.

Rejection Under 35 U.S.C. § 112, second paragraph

Claims 5-7 stand rejected under 35 U.S.C. § 112, second paragraph. This rejection is respectfully traversed.

The Examiner has set forth certain instances wherein the claim language lacks antecedent basis.

In order to overcome this rejection, the Applicants have amended claim 5 to correct the deficiency specifically pointed out by the Examiner. The Applicants respectfully submit that the claims, as amended, particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejections Under 35 U.S.C. §103(a)

Claims 1-4 and 8-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Van den Berg EP 0713641 in view of Moskvina (U.S. 5,161,483); and

Claims 1, 2, and 5-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wendl et al., "A Method For Continuous Automatic Monitoring Of Accuracy Of Milk Recording Equipment", in view of Moskvina (U.S. 5,161,483).

These rejections are respectfully traversed.

Amendments to Independent Claim 1

While not conceding the appropriateness of the Examiner's rejection, and merely to advance the prosecution of the present invention, independent claim 1 has been amended to recite a combination of elements directed to a method for calibrating at least one milk meter in a milking system, including *inter alia*

"comparing said reference value (RV) with a sum of all retrieved measured values and calculating a correction function for at least one of said milk meters which has been

determined to be in need of a calibration by comparing an expected value of the milking performance with the measured value”.

As the Examiner will note, independent claim 1 has been amended to incorporate the subject matter of now-cancelled dependent claim 2.

Regarding Van den Berg (EP 0173641) and Moskvin (U.S. 5,161,483)

In contrast to the present invention, as can be seen in the Abstract of EP 0713641, this document merely discloses a method of automatically milking animals, including comparing between the actual value of one or more sensors (23-26) for monitoring the milking process with an average value that is based on previous readings of the sensor(s). If one of the sensors (23-26) deviates to a certain extent, the sensor in question is indicated as not working properly. The automatic milking process is then stopped, so that the defect in the sensor can be repaired. EP 0713641 is silent about a milk meter.

Moskvin merely discloses an apparatus for calculating milk yield using a milk meter (See measurement chamber 8, in column 3, line 60; vacuum gauge 34, column 4, line 43, as shown in FIG. 1, for example). In the rejection of claim 2 on page 3 of the Office Action, the Examiner refers to Moskvin column 8, lines 12-16, which states

“The readings of the pulse counter 39i, which has registered the number of successive doses and the value of the standard quantity of milk, are used to determine from the available algorithms the coefficient of pre correction corresponding to the vacuum level of 0.53 kg(f)/cm², to be accounted for in determining the yield of the milk by the milking machine”.

Further, Moskvin provides no hint or suggestion of calibrating a “defective” milk meter, or “one of said milk meters which has been determined to be in need of calibration”.

In other words, Moskvin cannot teach or suggest

“comparing said reference value (RV) with a sum of all retrieved measured values and calculating a correction function for at least one of said milk meters which has been determined to be in need of a calibration by comparing an expected value of the milking performance with the measured value”, as set forth in independent claim 1, as amended herein”.

Therefore, Moskvin cannot make up for the deficiencies of EP 0713641.

At least for the reasons explained above, the Applicants respectfully submit that the combination of steps as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including EP 0713641 and Moskvin.

Regarding Wendl in view of Moskvin

On page 7 of the Office Action, the Examiner asserts that Wendl in view of Moskvin discloses a device with the limitations of independent claim 1.

However, as best understood by the Applicants, the Wendl document merely appears to address the matter of determining whether a milk meter is defective. Wendl does not however, relate to calibration of a milk meter. Thus, Wendl certainly does not teach calibration of meters that are found to be “defective”, or “in need of calibration”. The presumption in relation to Wendl is that a defective milk meter would need replacing.

As discussed above, Moskvina merely discloses an apparatus for calculating milk yield using a milk meter (See measurement chamber 8, in column 3, line 60; vacuum gauge 34, column 4, line 43, as shown in FIG. 1, for example). In the rejection of claim 2 on page 7 of the Office Action, the Examiner again refers to Moskvina column 8, lines 12-16, which states

“The readings of the pulse counter 39i, which has registered the number of successive doses and the value of the standard quantity of milk, are used to determine from the available algorithms the coefficient of pre-correction corresponding to the vacuum level of 0.53 kg(f)/cm², to be accounted for in determining the yield of the milk by the milking machine”.

However, Moskvina provides no hint or suggestion of calibrating a “defective” milk meter, or “one of said milk meters which has been determined to be in need of calibration”.

Therefore, Moskvina cannot teach or suggest

“comparing said reference value (RV) with a sum of all retrieved measured values and calculating a correction function for at least one of said milk meters which has been determined to be in need of a calibration by comparing an expected value of the milking performance with the measured value”, as set forth in independent claim 1, as amended herein”.

Thus, Moskvina cannot make up for the deficiencies of Wendt.

At least for the reasons explained above, the Applicants respectfully submit that the combination of steps as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Wendt and Moskvina.

Therefore, independent claim 1 is in condition for allowance.

Dependent Claims

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested.

CONCLUSION

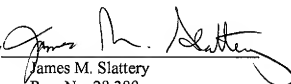
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.


If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030(direct line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,
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By 
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